

REMARKS

In paragraph 2 of the office action, the examiner rejects claims 1-6, 9-16, 19-26, 29 and 30 under 35 U.S.C> 102(e) as anticipated by US 5,874,986 (Gibbon).

In the previous office action the applicant responded to the examiner in an attempt to advance the prosecution of the application by amending the claims as requested by the examiner in a June 3, 2004 telephone interview. In the previous office action, the applicant reminded the examiner of the request by remarking in part:

"The applicant respectfully acknowledges the telephone interview held with the examiner and his supervisor Zarni Maung on June 3, 2004 at 11:00 am. The examiner pointed out that the language of the claims did not clearly identify the novelty of transferring a file by transferring needed portions of the file first. The applicant has amended the claims to clarify them. The applicant submits the claims as amended are in condition for allowance, which allowance is respectfully requested."

As the amended claims were amended according to the examiners request, the applicant respectfully submits the finality of the office action is premature and requests the examiner withdraw the finality of the present office action.

Furthermore, the new art cited by the examiner (Gibbon) fails to anticipate this very limitation. In Gibbon, compressed video frames are streamed to a client, some of the video frames are identified as significant and are provided to the client while the video stream is in progress. In Gibbon, the significant frames are then used by a client to preview not yet loaded portions of the video program. Gibbon does not contemplate the user indicating that a portion of the stream is needed first, the user is provided with enough streamed video to play the video real time and at the server discretion, is provided with advanced

significant frames of video to permit the user to see snapshots of video that has not yet streamed. Thus Gibbon teaches away from the present invention, that teaches in part, a method for a user to request user desired portions of a file, while the file is being downloaded as shown in the claims.

The system of Gibbons is directed compressed video streaming technology having "frames" of video. The frames of video are viewable entities such that a sequence of frames appears as motion video. Thus Gibbons is not a "Data File" of the present invention but a Video File made up of "frames. The Gibbons invention enables a viewer of a video program (stream of Frames) to navigate and view "significant frames" of the program while the motion video program (frames) is being streamed. This is accomplished by a system identifying significant frames and downloading them to a user along with a media table and optional closed caption text such that the significant frames can be viewed in context of audio, closed caption or relative time while the streaming program is being downloaded and viewed. This is completely different from the present application that permits a user to specify portions of the file that have not already been downloaded (starting point and length) to be downloaded such that the portions are downloaded according to the needs of the user, the holes (portions not requested by the user) to be later filled by the server.

The applicant respectfully submits that the claims are in condition for allowance, which allowance is requested.

In paragraph 2, the examiner says that Gibbon teaches "receiving at the local computer system, an application program-initiated request for accessing a desired portion of the local file, wherein the application program-initiated request comprises a read position indicator, the read position indicator identifying a location in the local file of the desired portion of the local file (see col. 6 lines 41-60, col. 7 lines 11-32 and

col 9 lines 65-col. 1- lines 18)". The applicant disagrees. col. 6 lines 41-60 shows a GUI control for viewing downloaded frames. col. 7 lines 11-32 shows a buffer manager for playing data that is available. The data comprises image, audio and caption buffers wherein the audio and caption buffers have been completely downloaded and the image data comprises real-time streamed data and significant frames. col 9 lines 65-col. 1- lines 18 shows downloading media tables (having information about the significant frames), then significant frames of the media tables are loaded, then the significant frames and closed captioned information are stored in a removable store such that the special frames and the closed captioned information provides a cryptic snapshot of predetermined significant frames of the video stream. Gibbon is silent on any user requested portion of a file to be provided or any sort of any application program "read position indicator" while streaming the whole file. Any portions of the file of Gibbon (significant frames) are predetermined and automatically provided to the client system along with media table for defining the temporal position of the significant frames.

The applicant respectfully submits that the claim is allowable, which allowance is respectfully requested.

The examiner says Gibbon teaches "when the desired portion of the local file has not been downloaded from the remote file to the local file, requesting a file transfer of the remote file from the remote server, the request indicating the location in the remote file of the desired portion; ". The applicant disagrees. As shown supra, Gibbon preloads significant frames and a media table independent of any request or indication of a desired portion as claimed.

The examiner says Gibbon teaches "then starting a file transfer of the remote file from the remote server to the local file wherein the file transfer starts at the location of the remote file identified by the read position indicator;". The applicant disagrees. Gibbon streams data independent of any user supplied indication of a desired portion.

Therefore, the applicant submits that claim 1 is in condition for allowance, which allowance is respectfully requested.

The applicant further submits that claims 2-6, 9-16, 19-26, 29 and 30 comprise substantially the same limitations of claim 1 and are therefore allowable, which allowance is respectfully requested.

It is respectfully submitted that the application is now in condition for allowance, which allowance is respectfully requested.

RESPECTFULLY SUBMITTED

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